IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11416 of 2004

Between:

P.Prabhakar, s/o P.Devanna,
r/o H.No.5-11-520, Nizamabad District.

..... PETITIONER

AND

1 The Principal Secretary, Home Department,
Governmlent of A.P., Secretariat Buildings, Hyderabad.
2 The District Superintendent of Police, Nizamabad District,

Nizamabad.
3 The Deputy Inspector General of Police, (Home Guards), A.P.,

Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Certiorari or any other appropriate writ, order or direction, declaring the order of the 2nd respondent C.No.92/HGs-Org/NZB/2002 dated 18-9-2002 in so far as removing the petitioner herein is bad, arbitrary, unreasonable, violative of principles of natural justice and quash the same and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.Y.SRINIVASA MUKHERJEE

Counsel for the Respondents 1 to 3: GP FOR HOME

The Court made the following :

ORDER:

The petitioner, who was appointed as Home Guard, files this writ petition, *inter alia*, seeking to assail the orders dated
18-09-2002 removing him from service.

The main ground urged on behalf of the petitioner is that the second respondent has taken recourse to pursue the impugned orders wherein not only the petitioner but also several similar Home guards were sought to be removed from service. It is the complaint that no notice has been given nor any reason has been assigned for such action and, therefore, the said orders are totally vitiated.

Considering the submissions made and on perusal of the material, it is seen that the petitioner along with others are sought to be removed from service only on the ground that they are absent un-authorizedly from duties without permission or without intimation to the concerned. On the face of it, such an imputation against the petitioner is a quite serious one and it is not removal simplicitor or discharge as such. Having regard to the fact that on certain allegations only the petitioner is sought to be removed, necessarily it calls for an enquiry and the enquiry is due for notice and without such recourse, the action of the second respondent is wholly unsustainable. Having regard to the same, admittedly in this case no notice has been given nor any enquiry is held with proper opportunities provided with to the

petitioner. In view of the same, it has to be held that the impugned orders are liable to be set aside.

The writ petition is, accordingly, allowed. The impugned order is set aside. No costs.

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B.PRAKASH RAO, J

Date: 30-12-2004.

Chvn/Glv.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Thursday, the Thirtieth day of December, Two thousand and four.

ASSISTANT REGISTRAR.

// TRUE COPY//

SECTION OFFICER.

To

1. The Principal Secretary, Home Department,
   Government of A.P., Secretariat Buildings, Hyderabad.
2 The District Superintendent of Police, Nizamabad District,

Nizamabad.
3 The Dy.Inspector General of Police, (Home Guards), A.P.,

Hyderabad.

4 Two C.Cs. to the G.P. for Home, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. copies.